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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**

9 INTEL CORPORATION,

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11 Plaintiff,

12 v.

13 FORTRESS INVESTMENT GROUP LLC,
14 FORTRESS CREDIT CO. LLC, UNILOC
15 2017 LLC, UNILOC USA, INC., UNILOC
16 LUXEMBOURG S.A.R.L., VLSI
17 TECHNOLOGY LLC, INVT SPE LLC,
18 INVENTERGY GLOBAL, INC., and IXI IP,
19 LLC,

20 Defendants.
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Case No. 3:19-cv-07651-EMC

**JOINT STATEMENT REGARDING
IMPACT OF APPLE INC.'S NOTICE OF
DISMISSAL**

1 The Court's August 18, 2021 Order (D.I. 272) requires the parties to file a joint statement
2 within one week regarding the impact of Apple Inc.'s notice of dismissal (D.I. 263) on the pending
3 Motions to Dismiss (D.I. 244 and D.I. 246) filed by defendants Fortress Investment Group LLC,
4 Fortress Credit Co. LLC, Uniloc 2017 LLC, Uniloc USA, Inc., Uniloc Luxembourg S.a.r.l., VLSI
5 Technology LLC, Inventergy Global, Inc., INVT SPE LLC, and IXI IP, LLC (collectively,
6 "Defendants").

7 Plaintiff Intel Corporation ("Intel" or "Plaintiff") and Defendants (collectively, the "Parties")
8 agree that the following markets alleged in the Second Amended Complaint are no longer at issue:
9 Network-based Voice Messaging Patents Market, Remote Software Updates Patents Market, Mobile
10 Device-to-Device Communication Through a Network-Coupled Intermediary Device Patents
11 Market, Generating Alerts Based on Blood Oxygen Level Patents Market, and Remote Enabling and
12 Disabling of Software Components Patents Market. Intel requests that any dismissal of claims based
13 on these product markets be without prejudice to Intel initiating a new suit (including but not limited
14 to a suit for declaratory relief) should circumstances change. Intel's position is that its request is
15 consistent with the Court's January 6, 2021 Order. *See* ECF No. 229 at 15 ("The Court therefore
16 dismisses all antitrust claims based on the product markets identified in (10)-(13). The Court
17 dismisses with prejudice as Plaintiffs have provided no indication that they are capable of curing this
18 deficiency on standing. This ruling, however, does not bar Plaintiffs from initiating a new suit
19 (including but not limited to a suit for declaratory relief) should circumstances change.").
20 Defendants' position is that any claims based on these product markets should be dismissed "with
21 prejudice," in conformance with the Court's January 6, 2021 Order. *Id.*

22 The Parties also agree that Intel currently only has claims against Fortress Investment Group
23 LLC, Fortress Credit Co. LLC and VLSI Technology LLC. Intel requests that any dismissal of its
24 claims against Uniloc 2017 LLC, Uniloc USA, Inc., Uniloc Luxembourg S.a.r.l., Inventergy Global,
25 Inc., INVT SPE LLC, and IXI IP, LLC be dismissed without prejudice to Intel initiating a new suit
26 (including but not limited to a suit for declaratory relief) should circumstances change. Intel's
27 position is that its request is consistent with the Court's January 6, 2021 Order. *See* ECF No. 229 at
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1 15 (“The Court therefore dismisses all antitrust claims based on the product markets identified in
2 (10)-(13). The Court dismisses with prejudice as Plaintiffs have provided no indication that they are
3 capable of curing this deficiency on standing. This ruling, however, does not bar Plaintiffs from
4 initiating a new suit (including but not limited to a suit for declaratory relief) should circumstances
5 change.”). Defendants’ position is that any claims against these parties should be dismissed “with
6 prejudice,” in conformance with the Court’s January 6, 2021 Order. *Id.*

7 The Parties agree that in light of the Court’s January 6, 2021 Order Granting Defendants’
8 Motion to Dismiss (D.I. 229), the SEP Transfer Theory has already been dismissed with prejudice
9 from the case. *See* D.I. 229 at 28.

10 Intel submits that the Court does not need to consider Defendants INVT SPE LLC and
11 Inventergy Global, Inc.’s Supplemental Brief in Support of Defendants’ Joint Motion to Dismiss and
12 Strike Plaintiff’s Second Amended Complaint (D.I. 246). Defendants INVT SPE LLC and
13 Inventergy Global, Inc. respectfully submit that the Court should either: (1) dismiss Intel’s claims
14 against Defendants INVT SPE LLC and Inventergy Global, Inc. with prejudice, which would
15 remove the need to consider Defendants INVT SPE LLC and Inventergy Global, Inc.’s
16 Supplemental Brief in Support of Defendants’ Joint Motion to Dismiss and Strike Plaintiff’s Second
17 Amended Complaint (D.I. 246); or (2) if Intel’s claims are not dismissed with prejudice, consider
18 Defendants INVT SPE LLC and Inventergy Global, Inc.’s Supplemental Brief in Support of
19 Defendants’ Joint Motion to Dismiss and Strike Plaintiff’s Second Amended Complaint (D.I. 246)
20 and rule on the merits of the motion to dismiss.

21
22 DATED: August 25, 2021

Respectfully submitted,

By: /s/ Mark D. Selwyn

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CERTIFICATE OF SERVICE

On this 25th day of August 2021, I hereby certify that I caused the foregoing document entitled JOINT STATEMENT REGARDING IMPACT OF APPLE INC.'S NOTICE OF DISMISSAL to be filed via the court's CM/ECF system, which shall send notice to the counsel of record for the parties.

DATED: August 25, 2021

Respectfully submitted,

By: /s/ Mark D. Selwyn

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Attorney for Plaintiff
INTEL CORPORATION

ECF ATTESTATION

I, Mark D. Selwyn, am the ECF user whose ID and password are being used to file this
JOINT STATEMENT REGARDING IMPACT OF APPLE INC.'S NOTICE OF
DISMISSAL. I hereby attest that I received authorization to insert the signatures indicated by a
conformed signature (/s/) within this e-filed document.

By: /s/ Mark D. Selwyn
Mark D. Selwyn